THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8454 of 2001

22.6.2007

Between:

Ch.Krishna, S/o.late Ch.Narayana

… Petitioner

and

Government of Andhra Pradesh, Social Welfare (LTR.2) Department, represented by its Secretary, Secretariat, Hyderabad

And others

… Respondents

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ORDER:

The Special Deputy Tahsildar (TW), Paloncha, submitted a report to the third respondent alleging that one Cheepi Narayana was in occupation of the land in Agency area admeasuring Acs.6.04 gts in survey Nos.41/Ka, 44/K, 42/Kha, 52/Ja situated at Gowraram village of Penuballi Mandal in Khammam District. That lead to the third respondent initiating *suo motu* action under Section 3(2) of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (the Regulation, for brevity), as amended by Regulation I of 1970. After receiving notice in the said case, being LTR Case No.1778/93/PNL, dated 17.3.1997, petitioner's father appeared and stated that he purchased land under sada sale deed dated 12.1.1969 and therefore Regulation I of 1970 which came into force with effect from 03.2.1970 cannot apply to this case. After conducting enquiry, third respondent passed orders on 17.3.1997 ordering ejectment of the petitioner on the ground that he failed to produce necessary evidence in proof of his possession. The petitioner's father then preferred CMA No.47 of 1998 before the second respondent. At that stage pahanies of Gowraram village for the years 1967-1968 and 1968-1969 were produced. After perusing the same, the second respondent came to the conclusion that the entries in the said pahanies were interpolated mischievously and dismissed the appeal. The petitioner's father filed revision under

Section 6 of the Regulation and the same was dismissed by the Government under G.O.Ms.No.7, dated 04.1.2001. In the meanwhile father of the petitioner died and therefore the petitioner filed the present writ petition challenging the said G.O.

Learned Counsel for the petitioner vehemently contends that when the third respondent rejected the case on the ground that the pahanies were not produced, petitioner's father produced necessary pahanies before appellate authority, but they were rejected by the Agent to the Government on the grounds which are not sustainable. Secondly, he submits that the order of the Government dismissing the revision without giving reasons is illegal.

While dismissing the appeal, CMA No.47 of 1998, Agent to the Government observed as under.

> Perused the pahanies of Gowraram village for the years 1968-69. 1968-69 shows the pahani is torn and is available only for 52/DA. That entry as seen from the original is clearly interpolated and is of different age and ink totally. For 1969-70 pahani, the entries are available and are clearly later interpolations and are not reliable. Appeal is dismissed as it is based on false certified copies and mischievously manufactured evidence. The land shall be taken into Government possession and distributed to eligible tribals.

It is the case of the petitioner that his father purchased the land from one Mallela Narayana Swamy, who was pattadar of the land. A perusal of the Xerox copies of the pahanis annexed to the writ petition would show that Mallela Seshu is shown to be the owner and Pulicherla Venkaiah, Motapathula Muthyam, Nagabandi Lakshmaiah, Mallaiah etc., are shown to be the cultivators. As pointed out by the second respondent, name of Cheepi Narayana was included as the last name in respect of survey numbers, which are claimed by the petitioner. When appellate authority, after verifying the records, drew an inference – which cannot be termed unreasonable or perverse – in an application for judicial review, the same cannot be appreciated. The appellate authority as noticed hereinabove considered the original pahanies and came to the conclusion that the name of Cheepi Narayana was interpolated in the relevant column of the pahanies. The Government while dismissing the revision petition came to the conclusion that the transaction that took place between two non-tribals is hit by Section 3(1) of the Regulation. That itself is sufficient reason

for not entertaining the revision petition.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

June 22, 2007 (**V.V.S.RAO, J**)

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